

REMARKS

The Office Action of August 20, 2008 requires an election under 35 U.S.C. § 121 from among the following:

- I. Claims 1, 2, and 68-72, drawn to compounds of Formula I;
- II. Claims 66 and 67, drawn to complex pharmaceutical compositions of Formula I;
- III. Claims 3-65, drawn to a process of making compounds of Formula I.

Group I, claims 1, 2, and 68-72, is elected for further prosecution in this application. Applicants reserve the right to file divisional applications to non-elected subject matter.

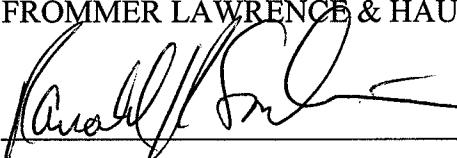
Upon allowance of the Group I product claims, Applicants request rejoinder under MPEP 821.04 of the Group III process claims, which contain all of the limitations of the Group I product claims.

The Office Action also requires election of a single disclosed species. In response, Applicants elect tubulysin A methyl ester, wherein Y = free electron pair; Z = CH₃; X = CH₂OCOCH₂CH (CH₃)₂; W = H; V = OCOCH₃; U = H; T = OH; S = H; and R = OCH₃. The elected species is encompassed in claims 1, 68, and 72 of elected Group I. The elected species is also encompassed in claims 33 and 34 of non-elected Group III, which is eligible for rejoinder.

Early action on the merits is earnestly solicited.

Respectfully submitted,

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